

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JUSTIN POHL,**

**Plaintiff,**

**vs.**

**COUNTY OF FURNAS, a Nebraska  
Political Subdivision,**

**Defendant.**

**CASE NO. 7:08CV5011**

**MEMORANDUM  
AND ORDER**

This matter came on for trial to the bench on June 21 through 24, 2011. At close of the trial, counsel for the parties expressed their preference for closing briefs in lieu of closing argument. The Court noted that it would provide some guidance regarding what matters would be most helpful to the Court, if such matters were to be addressed in the closing briefs. Accordingly, the Court advises counsel that it does not request further discussion of the condition of the warning sign, its placement, the Plaintiff's speed, weather conditions, the dynamics of the accident itself, or the Plaintiff's physical and emotional suffering. Assuming, without deciding at this juncture, that the condition of the sign and the Plaintiff's speed both contributed to the accident, the Court would find helpful further discussion of relevant case law regarding allocation of fault under Nebraska law. The Court would also find helpful further discussion of the Plaintiff's alleged damages; the Plaintiff's duty to mitigate his damages; the relevance of any intervening negligence on the part of the Cambridge hospital in aggravating Plaintiff's injury; and relevant case law regarding the proper measure of damages for pain, suffering, and permanent partial disability. Counsel are, of course, free to address any other matters they deem to be important.

IT IS ORDERED:

1. Counsel for Plaintiff and Defendant may submit closing briefs on or before July 22, 2011; and

2. Counsel for Plaintiff and Defendant may submit any responsive briefs on or before August 2, 2011.

DATED this 28<sup>th</sup> day of June, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge